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Crime prevention and criminal justice

Albania, Algeria, Angola, Argentina, Armenia, Austria, Belarus, Belgium, Benin, Bulgaria, Canada, Chile, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, El Salvador, Eritrea, Estonia, Ethiopia, Finland, France, Germany, Greece, Guatemala, Hungary, Iceland, India, Ireland, Israel, Italy, Japan, Kazakhstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malta, Mexico, Montenegro, Norway, Peru, Poland, Portugal, Qatar, Romania, San Marino, Senegal, Slovakia, Slovenia, Somalia, Spain, Sweden, Switzerland, Thailand, United Kingdom of Great Britain and Northern Ireland and Uruguay: revised draft resolution

Strengthening the United Nations Crime Prevention and Criminal Justice Programme, in particular its technical cooperation capacity

The General Assembly,

Reaffirming its resolutions 46/152 of 18 December 1991, 60/1 of 16 September 2005, 60/177 of 16 December 2005, 61/252 of 22 December 2006, 64/178 of 7 April 2010 and 64/179 of 18 December 2009 and 64/237 of 24 December 2009,

Taking note with appreciation of the adoption by the Economic and Social Council of the strategy for the period 2008-2011 for the United Nations Office on Drugs and Crime,[1] which aims, inter alia, to enhance its effectiveness and flexibility in providing technical assistance and policy services,

Reaffirming its resolutions relating to the urgent need to strengthen international cooperation and technical assistance in promoting and facilitating the ratification and implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto,[2] the United Nations

[1] Economic and Social Council resolution 2007/12, annex.
[2] United Nations, *Treaty Series*, vols. 2225, 2237, 2241 and 2326, No. 39574.

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Convention against Corruption[3] and all the international conventions and protocols against terrorism, including those that recently entered into force,

Reaffirming also the commitments undertaken by Member States in the United Nations Global Counter-Terrorism Strategy adopted on 8 September 2006[4] and its successive reviews of 4 and 5 September 2008,[5] and of 8 September 2010,[6]

Emphasizing that its resolution 64/137 of 18 December 2009, on the intensification of efforts to eliminate all forms of violence against women has considerable implications for the United Nations Crime Prevention and Criminal Justice Programme and its activities,

Taking into consideration all relevant Economic and Social Council resolutions, in particular resolutions 2008/23, 2008/24 and 2008/25 of 24 July 2008, and all those relating to the strengthening of international cooperation as well as the technical assistance and advisory services of the United Nations Crime Prevention and Criminal Justice Programme of the United Nations Office on Drugs and Crime in the field of crime prevention and criminal justice, promotion and reinforcement of the rule of law and reform of criminal justice institutions, including with regard to the implementation of technical assistance,

Recalling its resolutions 55/25 of 15 November 2000, 58/17 of 3 December 2003, 61/52 of 4 December 2006 and 64/78 of 7 December 2009, on transnational organized crime and on the return or restitution of cultural property to the countries of origin, and noting with appreciation the report of the Secretary-General on protection against trafficking in cultural property,[7] the outcome of the thematic discussion on protection against illicit trafficking in cultural property held by the Commission on Crime Prevention and Criminal Justice at its nineteenth session and the work of the experts group on protection against trafficking in cultural property at its meeting convened pursuant to Economic and Social Council resolution 2008/23, and its recommendations,[8]

Recalling the high-level meeting of the General Assembly on transnational organized crime and the special treaty event convened on the tenth anniversary of the adoption of the United Nations Convention against Transnational Organized Crime pursuant to resolution 64/179, which reaffirm the political commitment of the international community to tackle transnational organized crime and promote the Convention,

Welcoming the adoption of the United Nations Global Plan of Action to Combat Trafficking in Persons,[9] stressing the need for its full and effective implementation, and expressing its view that it will, inter alia, enhance cooperation and a better coordination of efforts in fighting trafficking in persons and promote increased ratification and full implementation of the United Nations Convention

[3] Ibid., vol. 2349, No. 42146.

[4] Resolution 60/288.

[5] See resolution 62/272; see also *Official Records of the General Assembly, Sixty-second Session, Plenary Meetings*, 117th to 120th meetings (A/62/PV.117-120), and corrigendum.

[6] Resolution 64/297.

[7] E/CN.15/2010/4.

[8] See E/CN.15/2010/5.

[9] Resolution 64/293, annex.

against Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish trafficking in persons, especially women and children,[10]

Welcoming the outcome of the fifth Conference of the Parties to the Convention against Transnational Organized Crime, held in Vienna from 18 to 22 October 2010,

Taking note of the report *The Globalization of Crime — A Transnational Organized Crime Threat Assessment* of the United Nations Office on Drugs and Crime,[11] which provides an overview of different forms of emerging crimes and their negative impact on the sustainable development of societies,

Expressing its grave concern at the negative effects of transnational organized crime, including smuggling of and trafficking in human beings, narcotic drugs and small arms and light weapons, on development, peace and security and human rights, and at the increasing vulnerability of States to such crime,

Convinced of the importance of preventing youth crime, supporting the rehabilitation of young offenders and their reintegration into society, protecting child victims and witnesses, including efforts to prevent their re-victimization, addressing the needs of children of prisoners, and stressing that such responses should take into account the human rights and best interests of children and youth, as called for in the Convention on the Rights of the Child[12] and the Optional Protocols thereto,[13] where applicable, and in other relevant United Nations standards and norms in juvenile justice, where appropriate,

Concerned by the serious challenges and threats posed by the illicit trafficking in firearms, their parts and components and ammunition, and concerned about its links with other forms of transnational organized crime, including drug trafficking and other criminal activities, including terrorism,

Deeply concerned about the connections, in some cases, between some forms of transnational organized crime and terrorism, and emphasizing the need to enhance cooperation at the national, subregional, regional and international levels in order to strengthen responses to this evolving challenge,

Concerned about the growing degree of penetration of criminal organizations and their proceeds into the economy,

Recognizing that actions against transnational organized crime and terrorism are a common and shared responsibility, and stressing the need to work collectively to prevent and combat transnational organized crime, corruption and terrorism in all its forms and manifestations,

Emphasizing that transnational organized crime must be addressed in full respect of the principle of the sovereignty of States and in accordance with the rule of law as part of a comprehensive response to promote durable solutions through the promotion of human rights and more equitable socio-economic conditions,

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[10] United Nations, *Treaty Series*, vol. 2237, No. 39574.

[11] United Nations publication, Sales No. E/10/IV/6.

[12] United Nations, *Treaty Series*, vol. 1577, No. 27531.

[13] Ibid., vols. 2171 and 2173, No. 27531.

Recognizing the need to maintain a balance in the technical cooperation capacity of the United Nations Office on Drugs and Crime among all relevant priorities identified by the General Assembly and the Economic and Social Council,

Recognizing also that, thanks to its broad membership and wide scope of application, the United Nations Convention against Transnational Organized Crime offers an important basis for international cooperation, inter alia for extradition, mutual legal assistance and confiscation and represents, in this regard, a useful tool that should be further utilized,

Mindful of the need to ensure universal adherence to and full implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto, and urging States parties to make full and effective use of these instruments,

Welcoming the adoption by the United Nations Office on Drugs and Crime of a regional approach to programming, based on continued consultations and partnerships at the national and regional levels, particularly on its implementation, and focused on ensuring that the Office responds in a sustainable and coherent manner to the priorities of Member States,

Recognizing the general progress made by the United Nations Office on Drugs and Crime in the delivery of advisory services and assistance to requesting Member States in the areas of corruption, organized crime, money-laundering, terrorism, kidnapping and trafficking in persons, including the support and protection, as appropriate, of victims, their families and witnesses, as well as drug trafficking and international cooperation, with special emphasis on extradition and mutual legal assistance,

Expressing concern regarding the overall financial situation of the United Nations Office on Drugs and Crime and reaffirming the request to the Secretary-General to submit proposals in his proposed programme budget for the biennium 2012-2013 to ensure that the Office has sufficient resources to carry out its mandate,

1. *Takes note with appreciation* of the report of the Secretary-General, prepared pursuant to its resolution 64/179;[14]

2. *Welcomes* the high-level meeting of the General Assembly on transnational organized crime, held in New York on 17 and 21 June 2010, and notes the presentation of the Presidential summary of the meeting;[15]

3. *Welcomes* the Salvador Declaration on Comprehensive Strategies for Global Challenges: Crime Prevention and Criminal Justice Systems and Their Development in a Changing World, adopted at the Twelfth United Nations Congress on Crime Prevention and Criminal Justice, held in Salvador de Bahia, Brazil, from 12 to 19 April 2010;[16]

4. *Takes note with appreciation* of the convening of an open-ended intergovernmental expert group to conduct a comprehensive study of the problem of cybercrime and of responses to it by Member States, the international community and the private sector, including the exchange of information on national legislation,

[14] A/65/116.

[15] See A/64/PV.96.

[16] See A/CONF.213/18, chap. I, resolution 1.

best practices, technical assistance and international cooperation, with a view to examining options to strengthen existing and to propose new national and international, legal or other responses to cybercrime;

5. *Welcomes with appreciation* the offer of the Government of Qatar to act as host to the thirteenth United Nations Congress on Crime Prevention and Criminal Justice, in 2015;

6. *Reaffirms* the importance of the United Nations Convention against Transnational Organized Crime and the Protocols thereto[2] as the main tools of the international community to fight transnational organized crime;

7. *Notes* the progress report on the voluntary pilot programme to review the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto;

8. *Takes note with appreciation* of the decision of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime at its fifth session to establish an open-ended intergovernmental working group to consider and explore options with regard to, and propose the establishment of, a mechanism or mechanisms to assist the Conference in reviewing implementation of the Convention and the Protocols thereto, and to prepare the terms of reference for such a review mechanism or mechanisms, guidelines for governmental experts and a blueprint for country review reports for consideration and possible adoption at the sixth session of the Conference;

9. *Also reaffirms* the importance of the United Nations Crime Prevention and Criminal Justice Programme in promoting effective action to strengthen international cooperation in crime prevention and criminal justice, as well as of the work of the United Nations Office on Drugs and Crime in the fulfilment of its mandate in crime prevention and criminal justice, including providing to Member States, upon request and as a matter of high priority, technical cooperation, advisory services and other forms of assistance, and coordinating with and complementing the work of all relevant and competent United Nations bodies and offices;

10. *Encourages* all States to have national and local action plans for crime prevention in order to take into account, in a comprehensive, integrated and participatory manner, inter alia, factors that place certain populations and places at higher risk of victimization and/or of offending and to ensure that such plans are based on the best available evidence and good practices, and stresses that crime prevention should be considered an integral element of strategies to foster social and economic development in all States;

11. *Calls upon* Member States to strengthen their efforts to cooperate, as appropriate, at the bilateral, subregional, regional and international levels to counter effectively transnational organized crime;

12. *Requests* the United Nations Office on Drugs and Crime to enhance its efforts, within existing resources and within its mandate, in providing technical assistance and advisory services for the implementation of its regional and subregional programmes in a coordinated manner with relevant Member States and regional and subregional organizations;

13. *Requests* the United Nations Office on Drugs and Crime to continue to provide, within its mandate, technical assistance to Member States, upon their

request, in the areas of crime prevention and criminal justice, with a view to strengthening the capacity of national criminal justice systems to investigate and prosecute all forms of crimes;

14. *Urges* the United Nations Office on Drugs and Crime to continue providing technical assistance to Member States to combat money-laundering and the financing of terrorism through the Global Programme against Money-Laundering, in accordance with United Nations related instruments and internationally accepted standards, including, where applicable, recommendations of relevant intergovernmental bodies, inter alia, the Financial Action Task Force on Money Laundering, and relevant initiatives of regional, interregional and multilateral organizations against money-laundering;

15. *Recognizes* the efforts made by the United Nations Office on Drugs and Crime to assist Member States in developing abilities and strengthening their capacity to prevent and combat kidnapping, and requests the Office to continue to provide technical assistance with a view to fostering international cooperation, in particular mutual legal assistance, aimed at countering effectively this growing serious crime;

16. *Urges* the United Nations Office on Drugs and Crime to increase collaboration with intergovernmental, international and regional organizations that have transnational organized crime mandates, as appropriate, in order to share best practices and to take advantage of their unique and comparative advantage;

17. *Draws attention* to the emerging policy issues identified in the report of the Secretary-General entitled "Implementation of the mandates of the United Nations Crime Prevention and Criminal Justice Programme, with particular reference to the technical cooperation activities of the United Nations Office on Drugs and Crime",[17] namely, piracy, cybercrime, sexual exploitation of children and urban crime, and invites the Office to explore, within its mandate, ways and means of addressing those issues, bearing in mind Economic and Social Council resolutions 2007/12 of 25 July 2007 and 2007/19 of 26 July 2007 on the strategy for the period 2008-2011 for the Office;

18. *Requests* the United Nations Office on Drugs and Crime, within its existing mandate, to strengthen the collection, analysis and dissemination of accurate, reliable and comparable data and information to enhance knowledge on crime trends and support Member States in designing appropriate responses in specific areas of crime, in particular in their transnational dimension, taking into account the need to make the best possible use of existing resources;

19. *Urges* Member States and relevant international organizations to develop national and regional strategies, as appropriate, and other necessary measures, in cooperation with the United Nations Crime Prevention and Criminal Justice Programme, to address effectively transnational organized crime, including trafficking in persons, the smuggling of migrants and illicit manufacturing of and trafficking in firearms, as well as corruption and terrorism;

20. *Urges* States parties to use the United Nations Convention against Transnational Organized Crime for broad cooperation in preventing and combating criminal offences against cultural property, especially in returning such proceeds of

[17] A/64/123.

crime or property to their legitimate owners, in accordance with article 14, paragraph 2, of the Convention, and invites States parties to exchange information on all aspects of criminal offences against cultural property, in accordance with their national laws, and to coordinate administrative and other measures taken, as appropriate, for the prevention, early detection and punishment of such offences;

21. *Urges* the United Nations Office on Drugs and Crime to continue to assist Member States, upon request, in combating the illicit trafficking in firearms, their parts and components and ammunition, and to support them in their efforts to address its links with other forms of transnational organized crime, through, inter alia, technical assistance;

22. *Reaffirms* the importance of the United Nations Office on Drugs and Crime and its regional offices in building capacity at the local level in the fight against transnational organized crime and drug trafficking, and urges the Office to consider regional vulnerabilities, projects and impact in the fight against transnational organized crime, in particular in developing countries, when deciding to close and allocate offices, with a view to maintaining an effective level of support to national and regional efforts in those areas;

23. *Encourages* Member States to support the United Nations Office on Drugs and Crime in continuing to provide targeted technical assistance, within its existing mandate, to enhance the capacity of affected States, upon their request, to combat piracy by sea, including by assisting Member States in creating an effective law enforcement response and strengthening their judicial capacity;

24. *Takes note with appreciation* of the fact that the number of States parties to the United Nations Convention against Transnational Organized Crime has reached 157, which is a good indication of the commitment shown by the international community to combat these phenomena;

25. *Urges* Member States that have not yet done so to consider ratifying or acceding to the United Nations Convention against Transnational Organized Crime and the Protocols thereto, the United Nations Convention against Corruption[3] and the international conventions and protocols related to terrorism;

26. *Encourages* States parties to continue to provide full support to the Conference of the Parties to the United Nations Convention against Transnational Organized Crime and the Conference of the States Parties to the United Nations Convention against Corruption, including providing information to the conferences regarding compliance with the treaties;

27. *Requests* the Secretary-General to continue to provide the United Nations Office on Drugs and Crime with adequate resources to promote, in an effective manner, the implementation of the United Nations Convention against Transnational Organized Crime and the United Nations Convention against Corruption and to discharge its functions as the secretariat of the conferences of the parties to the conventions, in accordance with its mandate;

28. *Welcomes* the progress achieved by the Conference of the Parties to the United Nations Convention against Transnational Organized Crime and the Conference of the States Parties to the United Nations Convention against Corruption in the implementation of their respective mandates;

29. *Takes note with appreciation* of the recent establishment of a mechanism to review the implementation of the United Nations Convention against Corruption, and the adoption of its terms of reference;

30. *Reiterates its request* to the United Nations Office on Drugs and Crime to enhance its technical assistance to Member States, upon request, to strengthen international cooperation in preventing and combating terrorism through the facilitation of the ratification and implementation of the universal conventions and protocols related to terrorism, in close consultation with the Counter-Terrorism Committee and its Executive Directorate, as well as to continue to contribute to the work of the Counter-Terrorism Implementation Task Force, and invites Member States to provide the Office with appropriate resources for its mandate;

31. *Requests* that the United Nations Office on Drugs and Crime continue to provide technical assistance to Member States, upon request, to strengthen the rule of law, taking also into account the work undertaken by the Rule of Law Coordination and Resource Group of the Secretariat and other relevant United Nations bodies;

32. *Takes note* of the report of the intergovernmental group of experts to review and update the Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice,[18] convened in accordance with Commission on Crime Prevention and Criminal Justice decision 17/1 of 18 April 2008, entitled "Strengthening crime prevention and criminal justice responses to violence against women and girls";[19]

33. *Takes note with appreciation* of the work of the expert group to develop supplementary rules specific to the treatment of women in detention and in custodial settings at its meeting held in Bangkok, from 23 to 26 November 2009, and of the outcome of that meeting, as mandated by Commission on Crime Prevention and Criminal Justice resolution 18/1 of 24 April 2009 on supplementary rules specific to the treatment of women in detention and in custodial and non-custodial settings;

34. *Encourages* Member States to take relevant measures, as appropriate to their national contexts, to ensure the diffusion, use and application of the United Nations standards and norms in crime prevention and criminal justice, including the consideration and, where they deem it necessary, dissemination of existing manuals and handbooks developed and published by the United Nations Office on Drugs and Crime;

35. *Reiterates* the importance of providing the United Nations Crime Prevention and Criminal Justice Programme with sufficient, stable and predictable funding for the full implementation of its mandates, in conformity with the high priority accorded to it and in accordance with the increasing demand for its services, in particular with regard to the provision of increased assistance to developing countries, countries with economies in transition and those emerging from conflict, in the area of crime prevention and criminal justice reform;

36. *Requests* the Secretary-General to submit a report to the General Assembly at its sixty-sixth session on the implementation of the mandates of the

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[18] Resolution 52/86, annex.

[19] See *Official Records of the Economic and Social Council, 2008, Supplement No. 10* (E/2008/30), chap. I, sect. D.

United Nations Crime Prevention and Criminal Justice Programme, reflecting also emerging policy issues and possible responses;

37. *Also requests* the Secretary-General to include in the report referred to in paragraph 36 above information on the status of ratifications or accessions to the United Nations Convention against Transnational Organized Crime and the Protocols thereto.